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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 U.S. BANK NATIONAL ASSOCIATION,  
8 Plaintiff,  
9 v.  
10 SFR INVESTMENTS POOL 1, LLC, et al.,  
11 Defendants.

Case No. 2:17-cv-00708-JCM-PAL

ORDER

(Mot Stay Disc – ECF No. 35)  
(Countermot Stay – ECF Nos. 38, 39)

12 Before the court is plaintiff's Motion to Stay Discovery Pending Resolution of U.S. Bank  
13 National Association, as Trustee's, Motion for Summary Judgment (ECF No. 34) (ECF No. 35).  
14 The court has reviewed the motion, SFR Investments Pool 1, LLC's Opposition (ECF No. 37),  
15 SFR Investments Pool 1, LLC's Countermotion to Stay All Proceedings, or in the Alternative, to  
16 Allow Case to Proceed without Restriction (ECF Nos. 38, 39), and plaintiff's reply (ECF No. 43).

17 This is a quiet title action arising out of an HOA sale. The plaintiff seeks a stay of discovery  
18 arguing the Ninth Circuit's decision in *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832  
19 F3d 1154 (9<sup>th</sup> Cir 2016) is controlling and dispositive. SFR's countermotion asks for a complete  
20 stay of all proceedings in this case pending resolution of a certified question currently pending  
21 before the Nevada Supreme Court which addresses whether NRS 116.3116 incorporates the notice  
22 provisions of NRS 107.090. Alternatively, SFR asks that the court allow this case to proceed  
23 without restriction. Plaintiff opposes the countermotion. The district judge has entered orders in  
24 several HOA foreclosure sales since *Bourne Valley* was decided, and has not certified the question  
25 at issue, preferring to decide and dispose of these cases. Accordingly,


26 Having reviewed and considered the matter,

27 **IT IS ORDERED** that:

28 1. The Motion to Stay Discovery (ECF No. 35) is **DENIED**.

1 2. The Countermotions to Stay Discovery or to Allow Case to Proceed Without  
2 Restriction (ECF Nos. 38, 39) is **DENIED** with respect to the request to stay discovery,  
3 and **GRANTED** with respect to the request to proceed without restriction.

4 DATED this 14th day of November 2017.

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7 PEGGY A. LEEN  
8 UNITED STATES MAGISTRATE JUDGE  
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